

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Manuel P. Asensio, individually and as the parent
of Eva Asensio, a minor child,

Defendants.

F Plaintiffs,
-against-

Janet DiFiore, Chief Judge of New York State;
Barbara Underwood, Attorney General of New
York State Andrew M. Cuomo, Governor of New
York State; Adetokunbo O. Fasanya, New York
County Family Court Magistrate; and Emilie
Marie Bosak, individually,

18-CV-10933

R.A., Justice

JURY TRIAL DEMANDED

**PLAINTIFF’S OPPOSITION TO DISMISS
AFFIDAVIT OF PLAINTIFF DEFENDANT DIFIORE LYING AND
COLLUDING WITH HER DEPUTIES TO PROTECT EFENDANT
FASANYA**

The Plaintiff, Manuel P. Asensio, files this affidavit to show proofs that Defendant DiFiore, and her deputy, Judge Fern Fischer, and the two New York state supervising judges, Douglas E. Hoffman and Karen Lupuloff, deliberately and intentionally lied to the Plaintiff by claiming that the Appellate Division for the First Department (“AD”) would handle Defendant Fasanya’s deliberate and malicious acts that he took in clear absence of subject matter and personal jurisdiction through normal channels of appellate practice.

Defendant Fasanya’s actions were his unilateral fabrication of jurisdiction that did not exist in any state law text for the sole purpose of colluding with Carmen Restivo to fabricate fee orders against the Plaintiff, and to collude with Defendant Bosak to fabricate evidence, charges, and records, to make fraudulent calendaring decisions, and to scream and yell and threaten, and giving directives to his court guards, to prevent the Plaintiff and his counsel from being heard while he orchestrated exchanges between himself and Defendant Bosak, and Carmen Restivo who Defendant Fasanya unilaterally ordered to work for him and Defendant Bosak without the Plaintiff’s consent and without authority or jurisdiction.

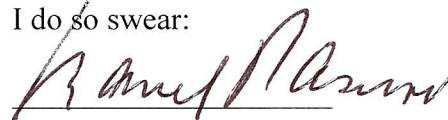
Exhibit 1 is the letter from Defendant DiFiore, and Judges Fern Fischer, Douglas E. Hoffman and Karen Lupuloff. Exhibit 2 are the AD’s orders summarily dismissing without review or consideration the Plaintiff’s prayer’s request of stays and leave to appeal from the orders Defendant Fasanya fabricated from May 15, 2014 when the Plaintiff withdrew and commenced his actions against Defendant Fasanya onward.

1 Exhibit 3 are the AD orders summarily dismissing without review or consideration
2 the Plaintiff's full briefs and motions requesting leave to appeal and Original
3 Proceedings concerning Defendant Fasanya's deliberate and malicious acts in clear
4 absence of subject matter and personal jurisdiction without any reason or purpose.
5 Exhibit 4 are the Court of Appeals' summary denials of motions for leave to appeal
6 that in the Matter of Sean X, the Court of Appeals The Court of Appeals restates the
7 rule that denial of a motion for leave to appeal is not equivalent to an affirmance and
8 has no precedential value (see, e.g., Matter of Marchant v. Mead-Morrison Mfg. Co.,
9 252 N.Y. 284, 297-298, 169 N.E. 386 [Cardozo, Ch. J.]; Matter of Whelan v. Griffin,
10 63 N.Y.2d 650, 479 N.Y.S.2d 522, 468 N.E.2d 704). Matter of Sean X., 473 N.E.2d
11 40, 40, 483 N.Y.S.2d 688, 688, 63 N.Y.2d 943, 943 (N.Y., 1984)

12
13 The Plaintiff also separate created a record of administrative complaints against
14 Defendant Fasanya with Janet DiFiore, Chief Judge of New York State; Barbara
15 Underwood, Attorney General of New York State Andrew M. Cuomo, Governor of
16 New York State. Exhibit 5, 6 and 7 contains examples of this documentary evidence.

17
18 I, Manuel P. Asensio, solemnly swear under the pain and penalty of perjury that all
19 statements made in this affidavit are true and complete to the best of my knowledge.
20 I further swear that as to any matters stated upon personal information and belief that
21 I have considered all facts, factors and circumstances entitled of consideration and
22 believe these to be true.

23
24
25 I do so swear:

26 
27
28

29 Manuel P. Asensio